

Testimony in Support of HB-6355, An Act Concerning Risk Protection Orders

Senator Winfield, Representative Stafstrom, ranking members Kissel and Fishbein and distinguished members of the Judiciary Committee:

I am from Redding, CT and a supporter of CT Against Gun Violence. I am also a current master of public health student studying injury and violence prevention.

Having previously worked in an emergency department, I've witnessed firsthand the devastation that can result when guns remain in the hands of individuals who are a danger to themselves or others. Preventing these individuals from accessing lethal weapons during a time of crisis or heightened risk is a necessary public health measure to protect all citizens from harm. Unfettered access to firearms can and often does have lethal consequences. Given the unprecedented number of new firearm sales occurring since the start of the COVID-19 pandemic, it is vital that lawmakers strengthen laws designed to protect all members of the public. A report from the Annals of Internal Medicine indicates that in March of 2020 alone, 2.5 million new guns were sold, an 85% increase from the previous year's sales. This vast increase in firearm availability underscores the need to bolster existing legislation and adopt measures to prevent future acts of violence.

Connecticut was the first state in the nation to pass an Extreme Risk Protection Order law, in 1999. It offers a means of last resort, with due process protections, to temporarily remove firearms from individuals judged to be at risk of imminent harm to themselves or others. It has been shown to prevent firearm suicide and stop mass shootings. It is time to strengthen the law so that it works harder to prevent gun violence. In particular, when the protection order expires, it should be a requirement that the subject is no longer at risk of violence before the firearms are returned. That is not the case now.

ERPOs are effective because even though individuals may legally possess guns, they can be dangerous to themselves or others. Background checks are a point-in-time measure that can't detect dangers that family members, friends and co-workers can sense. Individuals considering suicide often give some sign of their intentions. An FBI study of the pre-attack behaviors of active shooters found on average they displayed four to five observable and concerning behaviors that suggested the possibility of violent intentions.

Claims by opponents that ERPO laws violate due process have no merit. A recent article published in the Virginia Law Review examined the legal scope of ERPO laws, ultimately determining that such laws do not violate the Second Amendment, or due process under current legal doctrine, and are justifiable based on evidence of risk. According to the Giffords Law Center, no court has invalidated an extreme risk protection order or risk-warrant law. Courts in Connecticut, Indiana, and Florida that have heard challenges to ERPO laws have held they do not violate the due process and/or are constitutional under the Second Amendment. There is no evidence that the process is used to harass gun owners. Judges are required to have clear and convincing evidence to issue final risk protection orders.

Because there are often warning signs preceding violent or suicidal behavior this last-resort measure with due process protections is an effective tool for reducing gun violence. Because firearm suicide

accounts for up to two-thirds of gun deaths and is the second leading cause of suicide in Connecticut, there is an urgent need to strengthen our ERPO law to help it save more lives.

I ask that you favorably report HB-6355 out of committee so that the General Assembly can vote to strengthen our Extreme Risk Protection law so that it works harder to prevent firearm suicide and homicide. Thank you for your consideration.

Sincerely,

Emma Cornell
MPH Candidate
Redding, CT